

ARTICLE 39

THE SOLAR ACCESS GUARANTEE

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THE SOLAR ACCESS GUARANTEE

39.010 GENERAL.

- (1) The Solar Access Guarantee provides protection from the shade cast by new vegetation planted after the date of application. The Solar Access Guarantee defines height limitations for new vegetation located within all zoning districts. Only lots located in LDR and MDR Districts are eligible to receive a Solar Access Guarantee.
- (2) No Solar Access Guarantee may restrict a lot or portion of a lot which is located more than 150 feet south of the solar energy system.
- (3) No Solar Access Guarantee may restrict a lot that has a slope facing within greater than 45 degrees east or west of true north south and exceeding 15 percent.
- (4) A Solar Access Guarantee becomes void if the use of the solar energy system feature is discontinued for more than 12 consecutive months or if the system solar feature is not installed and operative within 12 months of the filing date of the Solar Access Guarantee.

39.020 REVIEW.

- (1) The Solar Access Guarantee shall be reviewed under Type II procedure as modified by the provisions of this Article.
- (2) A Complete application together with all required materials shall be accepted by the Director prior to the review of the request as specified in Section 3.050, Application Submittal.

39.030 ADDITIONAL REQUIREMENTS.

An application for the Solar Access Guarantee shall include:

- (1) The name and address of the applicant and property owner and the assessor map and tax lot map numbers of the property where the proposed Solar Access Guarantee is to be applied.
- (2) The hours and months for which solar access is sought.
- (3) A scaled drawing of the solar energy system feature, its dimensions, its height above ground level and its orientation.
- (4) A sunchart for the proposed location as seen from the center of the lower edge of the site of the solar energy system feature. If the solar energy system feature is more than

20 feet in length, a sunchart shall also be provided for the southeast and southwest corners of the lower edge of the solar energy system feature.

- (5) A Plot Plan showing lot lines and dimensions of the applicant's lot and neighboring lots which will be affected by the Solar Access Guarantee. The Plot Plan shall include the location of the solar energy system feature and the location of structures and trees on the applicant's lot and affected neighboring lots.
- (6) Demonstrate that the solar energy system feature will not be shaded under the provisions of the solar setback standards in accordance with Sections 16.050 and 16.060 of this Code.
- (7) Demonstrate that the solar energy system feature is installed or a written commitment to install the proposed solar energy system within one year of the effective date of the permit. Excepted from this provision are lots certified as Solar Lots in accordance with Article 34, Partition Standards, and Article 35, Subdivision Standards.
- (8) A solar envelope access height limit for each lot that would be subject to the proposed Solar Access Guarantee.
- (9) The names and addresses of all owners and registered lessees of properties that will be subject to the Solar Access Guarantee.

39.040 STANDARDS.

The Director shall approve, approve with conditions or deny the request based on the following standards:

- (1) The solar energy system shall have at least 4 hours per day of solar access between 9 a.m. and 3 p.m. during the period for which solar access protection is being sought. The hours and dates during which solar access is protected shall not exceed that defined by the solar heating hours provided under the solar setback standard in subsection 16.050 (5).
- (2) The solar energy system shall not be shaded under the solar setback standard in accordance with Section 16.050 of this Code.

39.050 RECORDATION.

Upon approval of the Solar Access Guarantee, the Director shall:

- (1) File with the Lane County Clerk in such form as required by State law, the Solar Access Guarantee including any exemptions to or limits on the solar access protected, Plot Plan, sunchart and solar envelopes.

- (2) Send notice to each property owner and occupant affected by the Solar Access Guarantee that it has been granted and recorded and that it may impose certain obligations on the property owner or occupant to trim vegetation in the future.

39.060 EFFECT AND ENFORCEMENT.

- (1) The effective date of the Solar Access Guarantee shall be on the date that the Director grants approval. No one shall plant any non-exempt vegetation that shades a recorded solar energy system feature after receiving notice of a pending Solar Access Guarantee application or after issuance of the Guarantee, unless the vegetation is specifically exempted by the Guarantee or by this regulation, or is maintained and trimmed in a manner that complies with the Solar Access Guarantee.
- (2) In the event that non-exempt vegetation on a neighboring property is shading a solar energy system feature for which a Solar Access Guarantee has been granted, then the guarantee holder or the City, on complaint by the guarantee holder, shall give notice of the shading to the property owner or occupant of the property where the shading vegetation is located. If the property owner or occupant fails to remove or trim the shading vegetation within 30 calendar days after receiving the notice, an injunction may be issued upon complaint of the guarantee holder to the District Court. The injunction may order the property owner or occupant to trim the vegetation, and the court may order the violating property owner or occupant to pay any damages to the complainant, to pay court costs and to pay the complainant reasonable attorney's fees.

39.070 TERMINATION.

The Director shall revoke the Solar Access Guarantee if the solar collector feature does not function for 12 consecutive months or if requested by the permittee or his or her successor in interest. The Director shall send the guarantee holder, the owners of all properties affected by the Solar Access Guarantee and the Lane County Clerk a Notice of Termination.

(Ord. 5358 11/17/86): Sections 39.010; 39.020; 39.030; 39.050.

(Ord. 5407 10/19/87): Sections 39.030; 39.040.

(Ord. 5551 2/4/91): Section 39.020.

(Ord. 5561 4/15/91): Sections 39.010; 39.030; 39.060.